

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4186 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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CEMENT CORPORATION OF GUJARAT LTD

Versus

STATE OF GUJARAT

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Appearance:

MR SV RAJU for Petitioner

Mr M A Bukhari, APP for Respondent No. 1

MR YN RAVANI for Respondent No. 2

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 08/04/97

ORAL JUDGEMENT

Heard the learned Counsel for the parties.  
Having read the complaint, in my view, it does not constitute any offence of either cheating or breach of trust. The petitioner claims a commission of Rs.8/- per bag. Apart from this, name of the accused has not been given. A criminal offence can only be against a person

and not against an office. In view of this, the continuance of the proceedings in pursuance of the order issuing process is nothing but abuse of process of law.

2. In view of the aforesaid, this criminal Misc.Application is allowed. Criminal Case No.41651/91 pending in the court of Chief Judicial Magistrate, Bharuch is quashed and set aside. Rule made absolute accordingly.

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